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2
3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 * * *

6 JERRY LEE JOHNSTON, JR.,)

7 Plaintiff,)

8 v.)

9 UNITED STATES OF AMERICA,)

10 Defendant.)
11 _____)

2:09-cv-01965-PMP-LRL

12 **REPORT & RECOMMENDATION**

13 On January 27, 2010, the court denied plaintiff's Application to Proceed *in Forma Pauperis*.
14 Order (#3). Plaintiff was ordered to pay the filing fee of \$350 no later than February 23, 2010. He
15 was warned that his failure to do so may result in his case being dismissed. To date, plaintiff has not
16 paid the filing fee nor has he filed any other paper in this matter.

17 **RECOMMENDATION**

18 Based on the foregoing, it is the recommendation of the undersigned United States
19 Magistrate Judge that this case be dismissed without prejudice.

20 DATED this 19th day of April, 2011.

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24 **LAWRENCE R. LEAVITT**
25 **UNITED STATES MAGISTRATE JUDGE**
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